



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I-NEW ENGLAND
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

URGENT MATTER - PROMPT REPLY NECESSARY
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

NOV 18 2015

Mr. Jean Paul Marius, Manager
Environmental Health and Safety
Covidien LP
Surgical Solutions
60 Middletown Avenue
North Haven, CT 06473

Re: **NOTICE OF VIOLATION** of the applicable Generators Standards of Hazardous Waste, Section 3002 of the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. §§ 6622(a) and 6924(d) through (m) and the Regulations of Connecticut State Agencies (RCSA):22a-449(c)-102 and 22a-449(c)-108.

Dear Mr. Marius:

On May 13-14, 2015, representatives of the United States Environmental Protection Agency ("EPA") conducted a RCRA Compliance Evaluation Inspection. The purpose of this inspection was to determine the compliance of Covidien LP, EPA ID No. CTD057044745 with Connecticut Hazardous Waste Regulations RCSA 22a-449(c)-102 and 22a-449(c)-108 and the federal Hazardous Waste Management Regulations found at 40 CFR Parts 260-272. The State of Connecticut has been granted final authorization by EPA to administer certain portions of RCRA.

As a result of the inspection noted above, EPA has determined that your facility violated certain provisions of the Connecticut Hazardous Waste Regulations and the RCRA regulations, promulgated at 40 CFR Parts 260 through 272. The specific violations are set forth below:

1. **Failure to accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by RCSA 22a-449(c)-102(a)(1), which incorporates by reference 40 CFR 262.34(a).**

Specifically, the following container was accumulated on site for more than 90 days without a permit or without having interim status, as required by RCSA 22a-449(c)-102(a)(1), which incorporates by reference 40 CFR 262.34(a):

One one-liter container labeled as, hazardous waste, waste chloroform, 1/6/2015, located in the locker in the less-than 90-day storage area.

2. **Failure to maintain closed hazardous waste containers during storage, except when it is necessary to add or remove waste, as required by RCSA 22a-449(c)-102(a)(1), which incorporates by reference 40 CFR 262.34(a)(1) and 40 CFR 265.173(a).**

Specifically, the following container was not closed at the time of the inspection, as required by RCSA 22a-449(c)-102(a)(1), which incorporates by reference 40 CFR 262.34(a)(1) and 40 CFR 265.173(a):

One 5-gallon container, with a funnel in the bung, with the cover on, but not latched, labeled as hazardous waste, print ink, flammable liquid, F003, F005, D001, D007, D035, located in the Print Shop Satellite #18, PMDF Building.

3. **Failure to label or mark each container accumulating hazardous waste on-site with the words "Hazardous Waste" and other words that identify the contents such as chemical name, as required by RCSA 22a-449(c)-102(a)(2)(J) and 22a-449(c)-102(a)(2)(E).**

Specifically, at the time of the inspection, the following containers were not labeled or marked with the words, "Hazardous Waste" and other words that identify contents such as chemical name, as required by RCSA 22a-449(c)-102(a)(2)(J) and 22a-449(c)-102(a)(2)(E):

Approximately 40 aerosol cans in an open container that did not have a label, located in the Main Building less-than 90-day storage area.

At the time of the inspection, the aerosol cans were put in a closed container and properly labeled.

4. **Failure to contain any universal used lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps and such containers and packages must remain closed, as required by RCSA 22a-449(c)-113(a)(2)(R), which incorporates by reference 40 CFR 273.13(d)(1).**

Specifically, the following containers of universal waste lamps were not closed as required by RCSA 22a-449(c)- 113(a)(2)(R), which incorporates by reference 40 CFR 273.13(d)(1):

One 4 ft. high, open, labeled container with six 8 ft. used lamps that did not have a cover, located in the Recycling Recovery Area - Main Building.

At the time of the inspection, the waste lamps were put in a closed and labeled container.

5. **Failure to mark or label the container of universal waste lamps with the earliest date that any universal waste in the container became a waste or is received, as required by RCSA 22a-449(c)-113(a)(2)(J), which incorporates by reference 40 CFR 273.15(c)(1).**

Specifically, the following containers of universal waste lamps were not marked or labeled with the earliest date that any universal waste in the container became a waste, as required by RCSA 22a-449(c)-113(a)(2)(J), which incorporates by reference 40 CFR 273.15(c)(1):

Two 4 ft. closed containers labeled as universal waste used lamps with no date, located in the Main Building Recycling Recovery Area.

The dates were added to the container at the time of the inspection.

You are hereby required to:

1. Immediately upon receipt of this **NOTICE**:
 - a. Accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by RCSA 22a-449(c)-102(a)(1), which incorporates by reference 40 CFR 262.34(a).
 - b. Maintain closed hazardous waste containers during storage, except when it is necessary to add or remove waste, as required by RCSA 22a-449(c)-102(a)(1), which incorporates by reference 40 CFR 262.34(a)(1) and 40 CFR 265.173(a).
 - c. Label or mark each container accumulating hazardous waste on-site with the words "Hazardous waste" and other words that identify the contents such as chemical name, as required by RCSA 22a-449(c)-102(a)(2)(J) and 22a-449(c)-102(a)(2)(E).

- d. Contain any universal waste lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps and such containers and packages must remain closed, as required by RCRA 22a-449(c)- 113(a)(2)(R), which incorporates by reference 40 CFR 273.13(d)(1).
 - e. Mark or label the container of universal waste lamps with the earliest date that any universal waste in the container became a waste or is received, as required by RCRA 22a-449(c)- 113(a)(2)(J), which incorporates by reference 40 CFR 273.15(c)(1).
2. Within (30) thirty calendar days of receipt of this **NOTICE**:

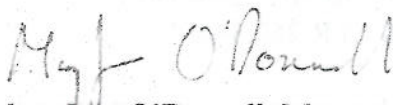
- a. Submit a written description, with supporting documentation, of the actions taken to correct the aforementioned violations to:

Linda Brolin, Environmental Engineer
U.S. Environmental Protection Agency
5 Post Office Square, Suite 1100
Mail Code: OES05-4
Boston, MA 02109

Failure to correct the violation as required by this **NOTICE** may subject the facility to further federal enforcement action, including the assessment of penalties, pursuant to Section 3008 of RCRA 42, U.S.C. § 6928.

If you have any questions regarding this **NOTICE**, please contact Linda Brolin, at (617) 918-1876.

Sincerely,


Mary Jane O'Donnell, Manager
RCRA, EPCRA, and Federal Programs Unit

cc: Joseph Schiavone, CT DEEP